

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) - see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. PCT/EP2004/007322	International filing date (day/month/year) 05.07.2004	Priority date (day/month/year) 15.07.2003
International Patent Classification (IPC) or both national classification and IPC B23K9/28, B23K9/32		
Applicant SELCO S.R.L.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Jeggy, T Telephone No. +49 89 2399-7341
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IAP20 Rec'd PCT/PTO 03 JAN 2006

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/EP2004/007322**Box No. II Priority**

1.  The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Yes: Claims	3,6-7
	No: Claims	1-2,4-5,8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

**2. Citations and explanations****see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**V.1 Cited documents**

Reference is made to the following documents :

- D1: GB-A-2 223 919 (T F KELLER & SONS LIMITED) 18 April 1990 (1990-04-18)
- D2: WO 91/15328 A (T F KELLER & SONS LIMITED) 17 October 1991 (1991-10-17)
- D3: US-A-2 424 437 (W.R. DENT) 22 July 1947 (1947-07-22)
- D4: US-A-6 074 296 (C.-C. WU) 13 June 2000 (2000-06-13)
- D5: US-A-3 706 871 (W.W. WITHEROW (deceased) et al) 19 December 1972 (1972-12-19)

**V.2 Claims 1-8**

The document D1 discloses (the references in parentheses applying to this document) a portable welder (10 ; Figures) according to the preamble of claim 1. Further D1 discloses that a handle (14) for gripping and orienting said welder (10) protrudes from said box-like body (11), said electrode supporting clamp (18) being rigidly coupled to said handle (14 ; Figures).

The subject-matter of claim 1 is therefore not new (Article 33 (2) PCT). Note that the subject-matter of claim 1 is also disclosed in D2 (Figure 1 ; with part of the power supplying means being located in the box-like body (16), the handle being rigidly connected to the electrode holder 18 through another body part 12).

Dependent claims 2-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33 (2-3) PCT) ; see D1 for claims 2 and 4-5 ; see D2 for claims 2, 4-5 and 8 ; see D3 for claim 3 ; see D4 for claim 6 ; see D5 for claims 7-8.